

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In Re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

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) **MDL No. 1456**
) **Master File No. 01-CV-12257-PBS**
) **Subcategory Case No. 06-11337**
) **Hon. Patti B. Saris**
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THIS DOCUMENT RELATES TO:

*United States of America ex rel. Ven-A-Care of the
Florida Keys, Inc. et al. v. Dey, Inc., et al.,*
Civil Action No. 05-11084-PBS

) **Magistrate Judge**
) **Marianne B. Bowler**
)
)
)

**SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT
DEY, INC.'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND RULE
30(B)(6) DEPOSITION**

NOW COMES the Colorado Department of Health Care Policy and Financing (CDHPF) by and through its counsel, the Office of the Attorney General for the State of Colorado and makes its second request the Court for an additional extension of time up to and including January 20, 2009 to respond to Dey Defendants' Motion to Compel Production of Documents and Rule 30(b)(6) deposition and in support thereof state as follows:

1. CDHPF sought an unopposed extension of time up to and including January 12, 2009 to respond to Dey Defendants' Motion which has yet to be ruled upon by the Court;
2. After conferring with counsel for Dey Defendants an additional week is required to evaluate the estimate provided by CDHCPF's contractor for responding to Dey Defendants' document requests;
3. Counsel for the Defendants have conferred on a potential resolution to the discovery dispute set forth in the motion and have agreed to allow CDHCPF additional time as stated above to permit the Defendants to study an estimate from an outside contractor to perform document-related tasks pertinent to the Request for Production, provided that the extension will not be used against Dey later by the Plaintiffs to deprive Dey Defendants of their rights to proceed with the relief requested in their Motion to Compel Production of Documents and Rule 30(b)(6) deposition.
4. Plaintiffs' counsel have been advised of CDHCPF's request for an extension of time up to and including January 20, 2009, but as of the time of filing have yet to provide their position regarding the request.

WHEREFORE, third party Colorado Department of Health Care Policy and Financing moves the court for an extension of time to file its response to the Dey Defendants' Motion to Compel Production of Documents and Rule 30(b)(6) deposition up to and including January 20, 2009 and for all just and proper relief.

Dated: January 12, 2009

Respectfully Submitted,

/s/ Robert C. Douglas, Jr.
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No.2, by sending on January 12, 2009, a copy to LexisNexis File and Serve for posting and notification to all parties.

By: /s/Anna Barrick